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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,439	08/02/2001	Gurbinder Singh Kalsi	60130-1179/00MRA0557	6121

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT PAPER NUMBER

3682

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,439

Applicant(s)

KALSI ET AL.

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in lines 4-5 of claim 21, "the gear wheel being operably connectable to the output element by a drive transfer device" renders the claim unclear. It is unclear if the drive transfer device connects the gear wheel to the output element or if the gear wheel is claimed to be operably connectable to the output element by other means.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,3,9, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 684 356 A1.

EP 0 684 356 A1 discloses in figures 14-16, an actuator comprising a chassis; a rotatable gear 5 driveable by a motor 3; an output element 7; a resilient drive transfer device 19; and a resilient stop member 8 pivotally connected to the chassis; said stop member having a forward stop arm and a reverse stop arm.

Regarding claim 1, the drive transfer device is inherently operably disconnectable from the output lever.

Regarding claim 9, the drive transfer device is inherently operably reconnectable with the output lever.

Regarding claim 18, the stop member is inherently resiliently movable by changing of an angle between the forward stop arm and the reverse stop arm.

5. Claims 14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dilger et al.

Dilger et al. discloses in figures 1-2 and 6 an actuator comprising a chassis; a drive gear 21 rotatable between a first position and a second position; an output element 12 movable between a first output position and a second output position; a transfer device 32 disconnectable from said output member; and a stop device 19.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-7, 9,10,12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dilger et al. in view of European Patent Application 0 684 356 A1.

Dilger et al. discloses the basic apparatus as previously cited but does not disclose said output member rotatable about the same as said drive gear. However, EP 0 684 356 A1 teaches in figures 14-16, an actuator comprising, *inter alia*, a chassis; a rotatable gear 5; an output element 7; and a resilient drive transfer device 19; wherein said rotatable gear and said output element rotate about the same axis. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Dilger et al. in view of the teachings of EP 0 684 356 A1 to provide said drive gear and said output element to rotate

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about the same axis to provide a more compact drive train thus requiring less space for said actuator.

Regarding claims 5-7, Dilger et al. further discloses said transfer device 32 resiliently biased in a first direction by a first resilient means 33; a first ramp 31 and a second ramp (not referenced).

Regarding claim 18, the stop member is inherently resiliently movable by changing of an angle between the forward stop arm and the reverse stop arm.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dilger et al. in view of Yamada.

Dilger et al. discloses the basic apparatus as previously cited but does not disclose said drive transfer device being a pin. However, Yamada et al. teaches in figures 1,2, and 12 an actuator comprising among other things a drive transfer device pin 76 resiliently biased by a resilient member 86. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Dilger et al. in view of Yamada to provide said drive transfer device as a pin so as to increase and thus improve the mechanical connection between said drive transfer device and the output element during engagement therebetween.

Allowable Subject Matter

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art discloses or teaches the basic apparatus as previously cited

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but does not disclose said drive transfer device being a pin resiliently biased in a first direction by a first resilient means and resiliently biased in a second direction by a second resilient means.

10. Claims 21-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. The prior art discloses the basic apparatus as previously cited but does not disclose said stop device allowing a forward gear wheel stop to pass the reverse stop device stop and allowing the reverse gear wheel stop to pass the forward stop device, i.e., the forward gear wheel stop and the reverse gear wheel stop are not fixed to said chassis.

Response to Arguments

11. Applicant's arguments with respect to claims 1-10 and 12-13 have been considered but are moot in view of the new ground(s) of rejection. Although Dilger et al. does not disclose the drive gear and the output member rotating about the same axis, EP 0 684 356 A1 does disclose such a structure. As such, the teachings of EP 0 684 356 A1 are applicable to modify the apparatus of Dilger et al.

Regarding claims 14-20, claim 14 does not require that the gear wheel and the output member rotate about the same axis.

Regarding the arguments concerning EP 0 684 3546 A1, the transfer device is operably disconnectable from the output element. "Operably disconnectable" does not narrowly limit the claimed structure asserted by applicant's representative's remarks but more broadly limits the transfer device to be disconnectable from the output element. Any two elements are inherently disconnectable from one another. Claim 14 does not set forth any limitations regarding

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apparatus affecting the disconnection of the transfer device from the output member. As such, EP 0 684 356 A1 clearly meets the broad functional language of claims 1 and 14.

Regarding the arguments concerning EP 684 356 A1, the stop member is resilient, that is the forward stop is resiliently mounted to the reverse stop. Resiliency is the ability of an element to return to its original size and shape after a deformation. This is defined mechanically by any elastic deformation of an element within the elastic range of its stress-strain curve, i.e., not plastically deformed. Resiliency, as well as rigidity, are merely relative terms. Furthermore, stop member 8 disclosed in EP 0 684 356 A1 has two arms (structurally similar to the present invention) each having a length to width ratio greater than 1 which further evidences a resilient structural element.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm 
15 March 2004

 3/16/04
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